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9 **IN THE UNITED STATES DISTRICT COURT**  
10 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**  
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13 **SAO PAK,**

14 **Petitioner,**

15 **v.**

16 **IMMIGRATION AND CUSTOMS**  
17 **ENFORCEMENT,**

18 **Respondent.**

Case No. SA CV 17-117 RGK (MRW)

**ORDER DISMISSING ACTION**  
**WITHOUT PREJUDICE**

**FRCP 41(b)**

19 The Court dismisses this action without prejudice. When Petitioner filed  
20 this action, he was an immigration detainee who sought federal habeas corpus  
21 review of his detention. (Docket # 1.)

22 However, after answering the petition, the government provided proof that  
23 Petitioner was recently removed from the United States and sent to Cambodia; he  
24 is no longer in immigration custody. (Docket # 15-1 at 2-4.) That renders this  
25 action moot.

26 Federal Rule of Civil Procedure 41(b) allows a court to dismiss an action if a  
27 litigant “fails to prosecute or to comply with these rules or a court order.” It is  
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1 apparent that Petitioner is unable to pursue habeas relief any further. Given the  
2 circumstances of the action, the Court concludes that the dismissal request should  
3 be granted. It is appropriate to dismiss the action without prejudice.

4 IT IS SO ORDERED.

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7 Dated: June 9, 2017

*Gary Klausner*

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8 HON. R. GARY KLAUSNER  
9 UNITED STATES DISTRICT JUDGE

10 Presented by:

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14 HON. MICHAEL R. WILNER  
15 UNITED STATES MAGISTRATE JUDGE  
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